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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 DERICK OWUSU,

8 v.

9 JOHN THOMPSON,

Plaintiff,

Defendant.

No. 3:19-CV-5205-RBL-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

11 THIS MATTER is before the Court the Report and Recommendation of Magistrate Judge
12 David W. Christel [Dkt. #19], and the underlying record.

- 14 (1) The Report and Recommendation is **ADOPTED**.
- 15 (2) Defendant's Motion for Summary Judgment (Dkt. 11) is granted. The complaint
16 is dismissed without prejudice and this case is closed.
- 17 (3) As Plaintiff Owusu has not exhausted his administrative remedies, an appeal
18 would not be taken in good faith. Therefore, Plaintiff is not entitled to proceed *in
forma pauperis* on appeal. *See* Fed. R. App. P. 24.

19 The Clerk shall send copies of this Order to Plaintiff Owusu's last known address and to
20 Magistrate Judge Christel.

21 IT IS SO ORDERED.

22 **DATED** this 15th day of November, 2019.

23
24 
25 Ronald B. Leighton

26 United States District Judge